

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | Case No. 1:03-cr-00286 |
| |) | |
| v. |) | Honorable Richard Alan Enslen |
| |) | |
| DONALD SHAFFER, |) | |
| |) | |
| Defendant. |) | |
| |) | |

REPORT AND RECOMMENDATION

Following referral of this matter by the Honorable Richard Alan Enslen, defendant appeared before the undersigned on March 7, 2008 for a final hearing regarding allegations of violation of the conditions of his supervised release. Defendant was represented by appointed counsel, Sean Tilton of the Federal Public Defender's Office. At the hearing, defendant admitted guilt to all of the violations contained in the Petition for Warrant for Offender Under Supervision entered March 4, 2008.

Even though his monthly payment has been reduced to \$60.00, defendant is having problems abiding by the condition of his supervision that he pay restitution. In addition, although he is involved with his children defendant is not paying his child support on a regular basis. The recommended term of custody is at the low end of the guideline range. The undersigned recommends that it and the corresponding requirement regarding his future employment be imposed for two reasons. First, the term of custody and the intermediate time at the Community Alternatives

Program appear to be necessary to impress upon the defendant the seriousness of compliance with conditions of supervised release. Second, defendant claims he has been working with his father but his receipt of wages has not been verifiable. It seems that verifiable wages, which could be garnished, would go a long way in assisting defendant to comply with his financial obligations. For these reasons and others stated on the record, the undersigned recommends that the Court sentence the defendant to the following:

1. 4 months custody of the Bureau of Prisons, with credit for time served;
2. an additional 1 year of Supervised Release, with the conditions of release the same

as previously ordered, with the following amended conditions:

- a. 4 months at the Community Alternatives Program, with work release privileges;
- b. Defendant shall maintain verifiable employment with a consistent schedule and the proper documentation to allow for garnishment of wages if ordered and calculation of taxes due on wages.

Date: March 13, 2008

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the filing of this Report and Recommendation.